

# **EXHIBIT 1**

**Plaintiffs' More Definite Statement as to Defendant**  
**Al Shamal Islamic Bank a/k/a Shamel Bank a/k/a Bank El Shamar**

1. Plaintiffs hereby incorporate all allegations and counts contained in the Third Amended Complaint in Burnett, et al. v. Al Baraka Investment and Development Corp., et al., 03 MD 1570 (RCC), 03 CV 5738 & 03 CV 9849; World Trade Center Properties LLC, et al. v. Al Baraka Investment and Development Corp., et al., 03 MD 1570 (RCC); 04 CV 7280 (RCC); and Euro Brokers, Inc., et al. v. Al Baraka Investment and Development Corp., et al., 03 MD 1570 (RCC); 04 CV 7279 (RCC), including all of the allegations and claims contained therein.

*History and Organizational Structure of Al Shamal Islamic Bank*

2. The government of Sudan granted approval to Al Shamal Islamic Bank (herein "Al Shamal") in April 1983 in response to a request from the Northern State Government, Al Shamal Investment and Development Company and Saleh Abdullah Kamel. The bank received an initial capitalization of USD \$20 million.

3. Al Shamal issued subscription shares in April 1984. The Northern State Government, Omer Abdallah Kamel, Al Baraka Investment and Development Corporation, Saleh Abdullah Kamel and co-Defendant Faisal Islamic Bank (Sudan) purchased shares in this initial offering.

4. The government granted final approval to Al Shamal in July 1988. Chaired by Dr. Wahab Osman Sheikh Mosa, Al Shamal's provisional board included Al Baraka Investment and Development Corporation as well as co-Defendants Faisal Islamic Bank (Sudan) and Tadamon Islamic Bank. The bank commenced operation on January 2, 1990, with paid-up capital of Ls 17,671,071 (USD \$3.9 million).

5. As of late 2001, co-Defendants Al-Bir International Organization (Benevolence

International Foundation), Faisal Islamic Bank (Sudan), Tadamon Islamic Bank and Adel Abdul Jalil Batterjee remained major shareholders in Al Shamal.

6. Al Shamal is heavily invested in the Sudanese import/export sector and posted revenues of \$6.2 million and total assets of \$63.1 million in 2000.

#### *U.S. Contacts and Jurisdiction*

7. Al Shamal has sufficient minimum contacts with the United States to subject them to the personal jurisdiction of United States courts. Moreover, Al Shamal has purposefully availed itself of the jurisdiction of the United States by directing its activities at the United States. Al Shamal has financially supported Osama Bin Laden and the al Qaeda organization in its call for holy war or jihad against the United States.

8. Al Shamal maintains correspondent banking relationships with institutions throughout Africa, Asia, Europe, the Middle East and North America. In the United States, Al Shamal holds correspondent bank accounts at Arab American Bank, American Express Bank and CitiBank in New York.

9. Al Shamal shareholders also maintain significant U.S. operations. Faisal Islamic Bank (Sudan) is a subsidiary of Dar al Maal al Islami Trust, a financial institution that maintains significant holdings and business contacts in the United States. In addition, Al Shamal Chairman Adel Abdul Jalil Batterjee established Benevolence International Foundation, now a Specially Designated Global Terrorist entity, in the United States in 1992.

#### *On Al Shamal Islamic Bank*

10. Al Shamal knowingly and intentionally provided financial services to al Qaeda (including maintaining and servicing al Qaeda bank accounts and accounts used to fund and

support al Qaeda), and facilitating weapons and military equipment purchases for al Qaeda.

11. Osama Bin Laden used Al Shamal extensively during his five-year stay in Sudan. At the invitation of Hassan Al Turabi, leader of the Sudan's governing National Islamic Front party, Bin Laden moved to Khartoum in 1991 and developed a complex set of business and terrorist enterprises. Bin Laden built highways and other infrastructure for Al Turabi, establishing accounts at Al Shamal used by these front companies and al Qaeda. Bin Laden even provided the institution with USD \$50 million in capital. According to a 1996 State Department report, "Bin Laden and wealthy National Islamic Front members capitalized the Al Shamal Islamic Bank in Khartoum. Bin Laden invested \$50 million in the bank."

12. According to Khalid Khalil Assad's biography of Osama Bin Laden, *A Fighter from Mecca* (2000), Bin Laden himself owned shares in several Sudanese enterprises including Al Shamal and co-Defendants Faisal Islamic Bank and Tadamon Islamic Bank.

13. Jamal Ahmed Al-Fadl, a former financial officer for Osama bin Laden, testified in the 1998 Africa Embassy bombings trial that Osama bin Laden and at least six al Qaeda operatives held accounts in their own names at the Al Shamal Islamic Bank. Wadih El-Hage, former personal secretary to Bin Laden convicted for his role in the bombings, also testified that Bin Laden kept accounts at Al Shamal Bank:

When you worked for Osama bin Laden in the Sudan, how much were you paid?

\$1,200 a month.

For how long did you work for him [Osama bin Laden]?

Almost two years.

What Banks did he keep his money at?

Bank Al Shamar.

In responding "Bank Al Shamar," El-Hage was referring to Al Shamal Islamic Bank.

14. Al-Fadl also described acting as courier for a cash payment from al Qaeda to Abu

Ali, an affiliated jihadist organization in Jordan. Al Fadl flew from Khartoum to Amman, Jordan, on a fake passport to deliver USD \$100,000 in cash to the group's leadership. When asked to identify the source of the funds, Al Fadl states they came from Al Shamal Bank:

1 Q. Who gave you the money?

2 A. Abu Fadhl, he bring it from Shamal Bank and he bring it to  
3 me.

4 Q. Abu Fadhl brought it from the Shamal Bank?

5 A. Yes.

6 Q. Is that a bank in the Sudan?

7 A. Yes.

15. In the same trial, another former al Qaeda operative stated that Al Qaeda used Al Shamal for operational purposes. The witness was wired USD \$250,000 *via* the Bank of New York for the purchase of an airplane which he delivered to Osama bin Laden. Upon presenting Bin Laden with keys to the aircraft, the witness received a check from Al Shamal covering compensation for the trip and expenses incurred en route. The witness took the check to Al Shamal and cashed it.

16. The General Manager of Al Shamal acknowledged in a September 2001 press release that Osama bin Laden held two accounts in the bank. Bin Laden opened the first account on March 30, 1992, for the company Al Hijrah for Construction and Development Ltd. According to the U.S. State Department, the company worked directly with Sudanese military officials to transport soldiers and materials to terrorist training camps in the Sudan. A second account was opened in 1993 under the name of Osama bin Laden's holding company Wadi Al Aqiq, a company registered in Saudi Arabia. This company, according to the U.S. State Department, exercised a monopoly over Sudanese agricultural exports.

17. Senator Carl Levin, Chairman of the Senate Armed Services Committee on Investigation of the Governmental Affairs Committee, stated that evidence suggests that Osama

bin Laden "remains the leading shareholder" of Al Shamal through trustees and may still use the bank's facilities.

18. According to reports from a leading intelligence publication, Bin Laden remained a shareholder in Al Shamal as late as 2000. A 2002 Congressional Research Service Report on Near Eastern Groups and State Sponsors estimates that "some of [Osama Bin Laden businesses in Sudan] may still be operating."

19. The Chairman of the Al Shamal Islamic Bank was co-Defendant and Specially Designated Global Terrorist ("SDGT") Adel Abdul Jalil Bateerjee, a wealthy Saudi Arabian businessman and founder of the Benevolence International Foundation. Adel Bateerjee is a close associate of Osama bin Laden; so close, in fact, that he was selected by bin Laden to collect funds on behalf of the al Qaeda network. In 1993, the Kingdom of Saudi Arabia closed the predecessor to the Benevolence International Foundation for its ties to terrorism. The assets of the Benevolence International Foundation have been frozen by the United States Treasury Department on suspicion that the charity secretly funded al Qaeda.

20. Co-Defendant Yasin Al-Qadi wired more than \$22 million from Swiss Bank accounts to al Qaeda operatives and entities between 1990 and 2003. Al-Qadi transferred nearly half of these funds through Al-Shamal Bank.

21. In March 1991, Hassan Al Turabi's government instituted the Islamic *Shariah* Support Fund (ISSF) in accordance with presidential decree No. (239) dated March 7, 1991. The Fund's stated purpose:

aims in general at supporting the implementation of Shariah by deepening Islamic faith and practices spreading and encouraging holy war (Jihad)...The Fund has the following specific objectives: to support institutions, corporations and projects which aim at spreading Islamic belief...mobilization and training of the popular defence forces; and providing for martyrs' families.

22. The ISSF jihad fund's largest public and private contributors were Prince Faisal Islamic Bank (Sudan), which gave 7 million Sudanese Pounds, along with Al Shamal, which contributed 7 million Sudanese Pounds, and Tadamon Islamic Bank, which contributed 5 million Sudanese Pounds to support jihadist terrorist activities in Sudan and abroad.

*Adel Abdul Jalil Batterjee, Chairman of Al Shamal Islamic Bank*

23. Co-Defendant, SDGT and Al Shamal Chairman Adel Abdul Jalil Batterjee, shareholder in person since June 7, 1999, and through Al-Bir Organization since October 13, 1998, is the Chairman of Al-Bir Saudi Organization, whose American branch, Benevolence International Foundation (BIF), was subject to a criminal complaint in U.S. District Court on April 29, 2002.

24. Co-Defendant Enaam M. Arnaout, Chairman of Batterjee's BIF, had a relationship with Osama Bin Laden and key associates dating back more than a decade. The foundation is used by al Qaeda for logistical support. Terrorists attempting to obtain chemical and nuclear weapons on behalf of al Qaeda have contacts with the foundation and its office personnel. On February 10, 2003, Arnaout pled guilty to criminal racketeering conspiracy for defrauding BIF donors by diverting funds to pay for supplies to jihadists active in Bosnia and Chechnya.

25. Documents recovered from March 2002 raids of BIF's offices in Bosnia illustrate Batterjee's instrumental role in the founding of al Qaeda. The Government's Evidentiary Proffer in *United States v. Enaam Arnaout* describes a document called the "Golden Chain":

BIF possessed in the file a handwritten draft list of the people referred to within al Qaeda as the "Golden Chain," wealthy donors to mujahideen

efforts. At the top of the list is a Koranic verse stating: "And spend for God's cause." The list contains twenty names, and after each name is a parenthetical, likely indicating the person who received the money from the specified donor. "Usama" appears after seven of the listings, including the listing "Bin Laden Brothers." "Baterji", LBI's and BIF's founder, appears after six of the listings.

26. Stuart Levey, Undersecretary for the Treasury Department's Office of Terrorism and Foreign Intelligence, stated upon Batterjee's designation that "Adel Batterjee has ranked as one of the world's foremost terrorist financiers, who employed his private wealth and a network of charitable fronts to bankroll the murderous agenda of al Qaida. A worldwide asset freeze, including in his home country of Saudi Arabia, will deal a serious blow to this key terrorist facilitator."

27. In a book published in 2002, Batterjee writes that the West is morally corrupt and that its war on terrorism is just an excuse to try to stop Muslims from spreading Islam. According to Batterjee, Muslims have tried to peacefully expand Islam throughout the world, but those attempts have always met armed opposition. So Muslims have a right to fight back. More and more clashes with the West are inevitable, he writes, predicating that they will culminate in a final military encounter. "Does any doubt remain that the great confrontation...is certainly coming?"

*Faisal Islamic Bank (Sudan), founding shareholder of Al Shamal Islamic Bank*

28. The Faisal Islamic Bank (Sudan) (herein "FIBS") was chartered in Khartoum in 1983. Its first director, Abd al-Rahim Hamdi, was a member of the Muslim Brotherhood and a



friend of co-Defendant Hassan Al Turabi. In 1983 Turabi and the leadership of the National Islamic Front began to convert Sudanese bank toward an Islamic banking system.

29. FIBS is a major shareholder of co-Defendant Tadamon Islamic Bank and a founding member and principal shareholder of Al Shamal.

30. FIBS is a subsidiary of the Islamic Investment Company of the Gulf (Bahrain) which is a wholly-owned subsidiary of co-Defendant DMI Trust. The Islamic Investment Company of the Gulf (Bahrain) is also chaired by Mohammed Al Faisal Al Saud, as is DMI Trust and the Faisal Islamic Bank (Sudan).

31. Prince Mohammed Al Faisal Al Saud played a critical role in the development of Islamic banking, founding Faisal Islamic Bank for the purpose of propagating the fundamentalist strain of Wahhabi Islam espoused by himself, the NIF, al Qaeda, and other extremist groups.

32. Hassan Al Turabi's friendship with Prince Mohammed Al Faisal allowed the Muslim Brotherhood to obtain Saudi funding in Sudan. FIBS soon became the bank for the National Islamic Front and for Turabi. The bank supplied loans to the National Islamic Front and to its prominent members. In fact, the relationship remained so close that FIBS permitted the National Islamic Front to operate, at least as late as 1992, from the penthouse of the bank's headquarters. Through this association, Turabi's party became the best financed in the Sudan.

33. Former al Qaeda financier Jamal Ahmed Al-Fadl testified in the 1998 Africa Embassy bombings trial that Faisal Islamic Bank in Khartoum held bank accounts for al Qaeda operatives during bin Laden's time in Sudan:

- Q. Where were the accounts [of al Qaeda] held? In what countries?
- A. (...) we got account in Bank Faisl Islami [Faisal Islamic Bank].
- Q. Is that also in Khartoum?
- A. Yes.

*Tadamon Islamic Bank, major shareholder of Al Shamal Islamic Bank*

34. Founded on November 28, 1981, Bank Al-Tadamon Al-Islami (literally translated “Islamic Solidarity Bank,” herein referred to as “Tadamon Islamic Bank”) became a major shareholder of Al Shamal on March 26, 1986. Tadamon Islamic Bank continued to hold a significant stake in Al Shamal through September 11, 2001.

35. According to testimony from former al Qaeda financier Jamal Ahmed Mohamed al-Fadl, Tadamon Islamic Bank held accounts for al Qaeda operatives. During the 1998 embassy bombings trial, al-Fadl testified on February 20, 2001, that Osama Bin Laden’s assistant, Abdouh al Mukhlafi, used the bank at Bin Laden’s behest:

- “- Do you recall anyone else that had bank accounts in their name for al Qaeda?*
- Abdouh al Mukhlafi.*
- Who was this person named Abdouh al Mukhlafi?*
- He is from Yemen.*
- What role did he play for Bin Laden?*
- He goes with Bin Laden when Bin Laden travel outside or inside Sudan.*
- What role did he play for Bin Laden when Bin Laden traveled?*
- He is like bodyguard for him, and also if Bin Laden, he needs bank something, he use account for that.*
- Did he handle money during the travel?*
- Yes.*
- Where were the accounts held? In what countries?*
- In Sudan and is in Bank Tadamon Islami [Tadamon Islamic Bank].”*

*Islamic Investment Company of the Gulf (Bahrain)*

36. Islamic Investment Company of the Gulf, the parent of Al Shamal shareholders Tadamon Islamic Bank and Faisal Islamic Bank (Sudan), is based in Bahrain. The bank recently merged with Faisal Islamic Bank group, creating a new entity called Al-Shamil Islamic Bank. Al-Shamil Islamic Bank is a direct subsidiary of DMI Trust. One of Al-Shamil's directors is or was Hyder Mohammed Bin Laden, half-brother of Osama Bin Laden.

*Dar Al Maal Al Islami Trust*

37. Dar Al Maal Al Islami Trust (“DMI Trust”) is an Islamic financial institution founded in 1981. “DMI acts as a bridge between the world's leading financial centers and the Islamic countries with which the group has a special relationship.” Financial and business institutions established by DMI Trust include banking, investment, Takafol (insurance), Retakafol (reinsurance) and business companies. DMI Trust is also a primary vehicle for Saudi financing of the international Islamic fundamentalist movement.

38. Al Shamal is an indirect subsidiary of DMI Trust through its shareholders Tadamon Islamic Bank and Faisal Islamic Bank (Sudan).

39. DMI Trust laundered money for al Qaeda, knowingly and intentionally providing financial services to al Qaeda (including maintaining and servicing al Qaeda bank accounts and accounts used to fund and support al Qaeda), and/or facilitating weapons and military equipment purchases and money transfers for al Qaeda. Also, DMI Trust's *Zakat* accounts have been used to support al Qaeda. In addition, DMI Trust has transferred money for Al Haramain, a purported charitable and relief organization. Both the United States and the Kingdom of Saudi Arabia have designated as al Qaeda terrorist supporters and/or shut down specially designated global terrorist branches of Al Haramain for financial, material and logistical support provided to al Qaeda. DMI Administrative Services S.A. handled accounts of Specially Designated Global Terrorists Yassin Al Kadi and Wael Jelaidan for Faisal Finance Switzerland in furtherance of violent al Qaeda goals.